

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Claims**

Independent claims 1, 14, 17 and 19 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

### **II. 35 U.S.C. § 103 Rejections**

Claims 1, 2, 4-14, 17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Asano et al. (U.S. 2008/0072040) and Abburi et al. (U.S. 2003/0084306). This rejection is believed clearly inapplicable to amended independent claims 1, 14, 17 and 19 and claims 2-13 that depend therefrom for the following reasons.

Amended independent claim 1 recites a judgment device that judges whether an object is invalid using a blacklist (i.e., the blacklist indicates whether the object is invalid), and recites that a whitelist indicates whether the judgment device is valid. In addition, claim 1 recites that when the judgment device judges that the whitelist needs to be updated, an acquisition unit acquires a latest blacklist and a latest whitelist regardless of whether a judgment is made as to whether the blacklist needs to be updated and an update unit writes together the acquired latest blacklist and the acquired latest whitelist, respectively over the blacklist and the whitelist held in a holding unit. Further, claim 1 recites that when the judgment device judges that the whitelist

does not need to be updated, the update unit performs no update of the blacklist and the whitelist held in the holding unit. Asano and Abburi, or any combination thereof fails to disclose or suggest the above-mentioned distinguishing features as recited in amended independent claim 1.

Rather, Asano merely teaches that (i) a security module 13 checks a version number of a received revocation list (e.g., blacklist) and a version number of a received registration list (e.g., whitelist), (ii) the security module 13 respectively compares the version numbers of the received revocation list and the received registration list with version numbers of the current revocation list and the registration list of the disc recorder/player 100, (iii) when the security module 13 has a revocation list or a registration list with a newer version number than the respective revocation list and registration list of the disc recorder/player 100, the security module 13 will send the respective revocation list or registration list having the newer version number to the disc recorder/player 100, and (iv) the disc recorder/player 100 that receives the newer revocation list or registration list from the security module 13 checks the digital signature TCS of the received list having the newer version number, such that if the digital signature TCS is judged to pass, then the disc recorder/player 100 will update its respective revocation list or registration list (see paragraph [0540], steps R214/R215, R14/R15 and R114/R115 of Figs. 7, 25 and 40). The above-mentioned description is also carried out in the reverse (i.e., reversing the operations of the security module 13 and the disc recorder/player 100).

Thus, in view of the above, it is clear that Asano teaches that only if the version number of the received revocation list (blacklist) is newer than the version number of the current revocation list (blacklist), then the current revocation list is updated based on the received revocation list. However, Asano fails to disclose or suggest that when it is judged that the

whitelist needs to be updated, an acquisition unit acquires a latest blacklist and a latest whitelist, regardless of whether a judgment is made as to whether the blacklist needs to be updated and the update unit writes together the acquired latest blacklist and the acquired latest whitelist, respectively over the blacklist and the whitelist held in the holding unit, and when it is judged that the whitelist does not need to be updated, the update unit performs no update of the blacklist and the whitelist held in the holding unit, as required by claim 1.

In other words, Asano teaches that, only when a revocation list (blacklist) having a newer version number is received, will the current revocation list (blacklist) be updated, which is not a disclosure or suggestion of acquiring/updating the blacklist each time the whitelist is updated, regardless of whether it is judged that the blacklist needs to be updated, and performing no update of the blacklist when it is judged that the whitelist does not need to be updated, as required by claim 1. Therefore, it is clear that Asano fails to disclose or suggest the above-mentioned distinguishing limitations required by claim 1.

Now turning to Abburi, it is noted that Abburi was relied upon for teaching acquiring/updating the latest blacklist and the latest whitelist regardless of whether a judgment is made as to whether the blacklist needs to be updated. However, Abburi merely teaches that the DRM system 32 regularly obtains/downloads a current revocation list 66 and/or regularly updates a resident revocation list 66 (see paragraph [0314]).

Thus, in view of the above, it is clear that Abburi merely teaches that the DRM system obtains a revocation list and updates a resident revocation list, but fails to disclose or suggest that when it is judged that the whitelist needs to be updated and the update unit writes together the acquired latest blacklist and the acquired latest whitelist, respectively over the blacklist and the

whitelist held in the holding unit, regardless of whether a judgment is made as to whether the blacklist needs to be updated, and when it is judged that the whitelist does not need to be updated, the update unit performing no update of the blacklist and the whitelist held in the holding unit, as required by claim 1.

Applicants note that Asano's disclosure of only updating the revocation list if the version number is judged to be old actually teaches away from Abburi's disclosure of periodically updating the revocation list on a regular basis without making a judgment. Therefore, it is submitted that the teachings of Abburi are inconsistent with and cannot be combined with the teachings of Asano.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 1 and claims 2-13 that depend therefrom would not have been obvious or result from any combination of Asano and Abburi.

Please note that one of the benefits of the structure required by claim 1 is that it is possible to ensure that the judgment device updates the blacklist so that an unauthorized user cannot evade updating the blacklist by altering a unit that judges whether or not the blacklist needs to be updated. In light of the discussion above, the combination of Asano and Abburi does not provide the above-mentioned benefits of the structure required by claim 1, because Asano and Abburi fail to disclose or suggest that when it is judged that the whitelist needs to be updated and the update unit writes together the acquired latest blacklist and the acquired latest whitelist, respectively over the blacklist and the whitelist held in the holding unit, regardless of whether a judgment is made as to whether the blacklist needs to be updated, and when it is judged that the whitelist does not need to be updated, the update unit performing no update of the blacklist and

the whitelist held in the holding unit, as required by claim 1.

Furthermore, there is no disclosure or suggestion in Asano and/or Abburi or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Asano and/or Abburi to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2-13 that depend therefrom are clearly allowable over the prior art of record.

Additionally, dependent claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Asano and Abburi in view of Akishita et al. (U.S. 2002/0184259). However, it is respectfully submitted that Akishita does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the Asano and Abburi references. Therefore, no obvious combination of Asano and Abburi with Akishita would result in, or otherwise render obvious, the invention recited independent claim 1 and the claims that depend therefrom.

Amended independent claims 14, 17 and 19 are directed to a system, method, and program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 14, 17 and 19 are allowable over the prior art of record.

### III. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

***The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.***

Respectfully submitted,

Toshihisa NAKANO et al.

/Andrew L. Dunlap/

2009.07.20 13:32:17

By: -04'00'

Andrew L. Dunlap

Registration No. 60,554

Attorney for Applicants

ALD/led

Washington, D.C. 20005-1503

Telephone (202) 721-8200

Facsimile (202) 721-8250

July 20, 2009